

MINUTES

MERIT SYSTEM BOARD MEETING

MEMBERS PRESENT

Linee Ferguson
Shelley Reimann
Jennifer Sandstrom

MEMBERS ABSENT

OTHERS PRESENT

Mary Dellai – Secretary to the Board
Tracy Hurt – Human Resources
Patty King – Human Resources
John Pombier – City Manager's Office

Chair Ferguson called the Merit System Board meeting to order at 10:23 a.m., **Thursday, May 28, 2015**, in Personnel Conference Room #3 at 20 E. Main Street, Suite 130, Mesa.

Mary Dellai introduced John Pombier, Deputy City Manager to the Board.

The next item of business was to revisit the proposed rules revisions and proposed changes. Patty King explained each item.

At the previous meeting, the Board questioned the following items and proposed/resolved as follows:

110 DEFINITIONS

- Discussion on removing Part-time employee from the list of definitions as that language is used throughout the Rules. The Board recommended to change this reference throughout the rules to detail benefited or non-benefited part-time employee.

Proposed to leave the definition for Part-Time Employee but modify the language to make reference when appropriate to the benefited and non-benefited part-time employee definitions; otherwise it applies to both.

- Regular Rate of Pay – Board recommended to check Section reference/link to FLSA update to show exact location. Link has been fixed.

220 EMPLOYMENT LISTS E. Insufficient Candidates

- The Board recommended clarification if there is a singular or plural employment list. Clarification made.

510 STANDARDS OF CONDUCT

- The Board asked about the time line to inform supervisor for the proposed change and to specify the time line to clarify that expectation and modify. Clarification made.
- The Board asked to clarify language related to arrests and convictions. John Pombier asked to speak to this proposed Rules change. He asked Board member Reimann to discuss her position regarding this proposed change.

A motion was made by Board member Sandstrom to amend the proposed rule to read as follows:

SECTION 510. STANDARDS OF CONDUCT

B. Causes for Discipline or Dismissal:

8. A felony conviction, ~~or, or~~ failure to report any **felony** conviction ~~of, any (felony or conviction of a misdemeanor); or failure to report any felony arrest. involving moral turpitude.~~ **Employees are required to report to their chain of command upon the start of the employee's next scheduled work day following the conviction or felony arrest.**

The motion was seconded by Board member Reimann.

The Board discussed privacy issues, arrests, convictions and adding clarifying language to job relatedness, driving, etc. Board member Sandstrom suggested leaving the revised language as proposed in the motion. She recommended to leave out driving and other job-related issues in this proposed Rule change since those items are covered in other Management Policies.

The vote was called to amend the proposed language. Board members Reimann and Sandstrom voted aye, and Board member Ferguson voted nay. The motion carried.

630 SPECIAL ASSIGNMENT D. Compensation

- Housekeeping to remove the job title of Assistant City Manager since the City no longer uses that job title.

710 GRIEVANCES A1 Grievable Issues

Discussion as to options to complain or grieve.

- Board recommended to add "Management Policies" to the list of grievable issues as follows:
"The City of Mesa Personnel Rules, **Management Policies**, or the written rules and procedures of any City department have allegedly been misinterpreted or misapplied as to that employee."

820. SUSPENSION

Board Member Reimann questioned if the safety rules of major significance related to FLSA. Patty King acknowledged that it did. Board Member Reimann moved to modify the language to reference the FLSA as follows:

- B. **Duration:** No employee may be suspended for a period of longer than two hundred forty (240) work hours (equivalent to thirty [30] eight [8] hour work days), nor shall any employee be suspended for more than two hundred forty (240) working hours in any twelve (12) month period. Suspension hours shall be based on the employee's normal work schedule. Suspensions for exempt employees may be imposed in one (1) or more full-day increments for workplace conduct rule/policy infractions ~~serious workplace misconduct including, but not limited to, sexual or workplace harassment, workplace violence, drug or alcohol violations, safety rules of major significance or violations of state or federal laws.~~ Suspensions for infractions of safety rules/policies of major significance may be imposed in partial or full day increments ~~other forms of misconduct for exempt employees must be for a minimum of one (1) week, forty (40) consecutive hours in duration.~~ **Safety rules and policies of major significance as defined by the FLSA include those related to the prevention of serious danger in the workplace or to other employees.**

Board member Sandstrom seconded the motion. The vote was unanimous.


The Board will meet again to review/approve the proposed rules and minutes of the meetings once they are prepared.

There being no further business, it was moved to adjourn by Board member Sandstrom and seconded by Board member Reimann. The vote to adjourn was affirmative. The meeting adjourned at 10:55 a.m.

XC: Christopher J Brady, City Manager (IMMEDIATELY for next Council Agenda)
e-mail to Jill Kotsur - City Manager's Office receives any rule changes, council report, and ordinance for Council Meeting
DeeAnn Mickelsen, City Clerk
Merit System Board Members
Personnel Staff (ONLY after Council Approval, if any items of importance)
Mayor's Office




Mary Dellai, Board Secretary



Date



Linee Ferguson, Board Chair



Date

